

# FIFTY-SECOND DAY

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TUESDAY, APRIL 15, 1997

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## PROCEEDINGS

The Senate met at 11:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brown, Cain, Carona, Duncan, Ellis, Fraser, Gallegos, Galloway, Harris, Haywood, Lindsay, Lucio, Luna, Madla, Moncrief, Nelson, Nixon, Ogden, Patterson, Ratliff, Shapiro, Shapleigh, Sibley, Truan, Wentworth, West, Whitmire, Zaffirini.

The President announced that a quorum of the Senate was present.

The Reverend Robert M. Shelton, Academic Dean, Austin Presbyterian Theological Seminary, offered the invocation as follows:

Creator God, sovereign ruler of all peoples and all nations, we praise You for Your love and care which You offer to all Your children. We pray earnestly this day for all leaders who serve others, especially these leaders met here today. We thank You for their willingness to serve and their commitment to the common good. Grant to them wisdom, discernment, and spirits sensitive to Your will and purpose as they deliberate, decide, and enact. Deliver them from love of power, selfishness, and personal gain, now and in the days to come, so that they can better do Your will and can enable Your benefits, which abound in this world, to be available to all, to the glory of Your name. Especially this morning we give thanks to You for the courageous life and leadership of Jackie Robinson. Grant that his selfless example and his dedication to noble principles may inspire us all. And keep us mindful of how sacred is our trust as leaders in our community and in our country. May Your will be done in our lives, in our world, and in our land. Amen.

On motion of Senator Truan and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

### **CO-AUTHOR OF SENATE BILL 122**

On motion of Senator Bivins and by unanimous consent, Senator Nelson will be shown as Co-author of **SB 122**.

### **CO-AUTHOR OF SENATE BILL 1574**

On motion of Senator Madla and by unanimous consent, Senator West will be shown as Co-author of **SB 1574**.

**CO-AUTHORS OF SENATE BILL 1694**

On motion of Senator Shapiro and by unanimous consent, Senators Harris and Wentworth will be shown as Co-authors of **SB 1694**.

**CO-AUTHORS OF SENATE BILL 1698**

On motion of Senator Shapiro and by unanimous consent, Senators Harris and Wentworth will be shown as Co-authors of **SB 1698**.

**CO-AUTHOR OF SENATE BILL 1764**

On motion of Senator Moncrief and by unanimous consent, Senator Galloway will be shown as Co-author of **SB 1764**.

**CO-AUTHOR OF SENATE BILL 1810**

On motion of Senator Barrientos and by unanimous consent, Senator Ellis will be shown as Co-author of **SB 1810**.

**MESSAGES FROM THE GOVERNOR**

The following Messages from the Governor were read and were referred to the Committee on Nominations:

Austin, Texas  
April 14, 1997

TO THE SENATE OF THE SEVENTY-FIFTH LEGISLATURE,  
REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointment:

TO BE A MEMBER OF THE BRAZOS RIVER AUTHORITY BOARD OF  
DIRECTORS for a term to expire February 1, 2003:

MARY E. AINSLIE  
835 Harbour Place  
Sugar Land, Texas 77478

Ms. Ainslie will be replacing Ada G. Connor of Mexia whose term expired.

Respectfully submitted,

/s/George W. Bush  
Governor of Texas

Austin, Texas  
April 15, 1997

TO THE SENATE OF THE SEVENTY-FIFTH LEGISLATURE,  
REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments.

TO BE MEMBERS OF THE TEXAS COMMISSION ON LAW  
ENFORCEMENT OFFICER STANDARDS AND EDUCATION:

For a term to expire August 30, 1997

**BENIGNO GUADALUPE REYNA**

1651 East Grant

Brownsville, Texas 78521

Mr. Reyna will be replacing Sheriff Carl R. Griffith, Jr., who resigned.

For a term to expire August 30, 1999

**JOE A. STIVERS**

167 Westridge Drive

Huntsville, Texas 77340

Mr. Stivers will be replacing Louis T. Getterman III whose term expired.

Respectfully submitted,

/s/George W. Bush

Governor of Texas

#### **BILLS AND RESOLUTIONS SIGNED**

The President announced the signing of the following enrolled bills and resolutions in the presence of the Senate after the captions had been read:

**SB 150, SB 182, SB 221, SB 326, SB 348, SB 401, SB 444, SB 476,  
SB 726, SCR 25, HCR 196**

#### **MESSAGE FROM THE HOUSE**

HOUSE CHAMBER

Austin, Texas

Tuesday, April 15, 1997

The Honorable President of the Senate

Senate Chamber

Austin, Texas

Mr. President:

I am directed by the House to inform the Senate that the House has taken the following action:

**THE HOUSE HAS PASSED THE FOLLOWING MEASURES:**

**HB 425**, Relating to the policies of state agencies regarding work and family issues.

**HCR 58**, Encouraging the State Preservation Board to provide for the permanent placement of a monument on the Capitol grounds honoring Girl Scouts in Texas.

**HCR 148**, Designating the Texas Sweet Onion as the official State Vegetable of Texas.

**HCR 149**, Designating the city of Weslaco as the Red Grapefruit Capital of Texas.

**HCR 192**, Designating April 15, 1997, as Bryan-College Station Day at the Capitol.

**HCR 198**, Recognizing April 15, 1997, as Hood County Day at the Capitol.

Respectfully,

/s/Sharon Carter, Chief Clerk  
House of Representatives

#### **GUESTS PRESENTED**

Senator Truan was recognized and introduced to the Senate a group of students and their teachers from Mathis High School.

The Senate welcomed its guests.

#### **GUESTS PRESENTED**

Senator Ellis was recognized and introduced to the Senate a delegation from the Houston READ Commission representing the Adult Literacy Program.

The Senate welcomed its guests.

#### **GUESTS PRESENTED**

Senator Cain was recognized and introduced to the Senate a delegation from American Association of Retired Persons Chapter 1313 of Van Zandt County accompanied by their tour guides Ruth and Eugene Massey.

The Senate welcomed its guests.

#### **SENATE RESOLUTION 497**

Senator Sibley offered the following resolution:

WHEREAS, The Senate of the State of Texas takes pride in joining with the citizens of Hood County in recognizing April 15, 1997, as Hood County Day at the State Capitol; and

WHEREAS, Organized in 1866 from Johnson County, Hood County was named for Confederate General John B. Hood; the area is known for its rolling grasslands, sandy soil, and majestic pecan and oak trees; and

WHEREAS, Hood County is crossed by the Paluxy and Brazos rivers and is home to Granbury Lake, a scenic site for fishing and picnicking; and

WHEREAS, The County Seat of Hood County, Granbury, is nestled on the shores of Lake Granbury and is known for its celebrations and festivals, its historic district, and its fine antique shops and historic homes; and

WHEREAS, Granbury was the model chosen for the Texas Main Street program to be used as an example for other towns for recapturing and restoring the history, architecture, and ambiance of early Texas; and

WHEREAS, Home to the Dora Lee Langdon Cultural and Education Center of Tarleton State University, Granbury has become a well-known cultural center; the Granbury Opera House, built in the 1880s, has been restored and is now in operation; and

WHEREAS, Hood County is noted for its agribusiness, tourism, and gas production; its chief crops include hay, peanuts, and pecans; and

WHEREAS, Hood County Day is an opportunity for friends and families to gather and celebrate the history of Hood County and its many assets today which are enjoyed by residents and by tourists from across the state; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 75th Legislature, hereby express appreciation to the people of Hood County and Granbury for the exemplary restoration of historical sites and the preservation of the county's many amenities; and, be it further

RESOLVED, That a copy of this Resolution be prepared for the citizens of Hood County as an expression of esteem from the Texas Senate.

The resolution was read and was adopted by a viva voce vote.

#### **GUESTS PRESENTED**

Senator Sibley was recognized and introduced to the Senate a delegation of elected officials, members of the Chamber of Commerce, and citizens of Hood County.

The Senate welcomed its guests.

**(Senator Truan in Chair)**

#### **SENATE RESOLUTION 471**

Senator Ogden offered the following resolution:

WHEREAS, On April 15, 1997, many proud residents of Bryan and College Station will be in Austin to celebrate Bryan-College Station Day at the Capitol, and this festive event offers an ideal opportunity to extol the many virtues of these noteworthy cities; and

WHEREAS, Nestled in the lush Brazos Valley, the communities are surrounded by gently rolling fields and rich woodlands, and the area's remarkable natural beauty is an apt reflection of its wealth of natural resources; a cattle and hog production center, the region also produces sorghums, corn, cotton, wheat, oats, and pecans; and

WHEREAS, In more recent years, agriculture has been joined by a number of other businesses in contributing to the area's prosperity, and computers, offshore technology, and research and development firms have all taken their places as mainstays of the local economy; and

WHEREAS, The modern marriage of agribusiness and state-of-the-art scientific inquiry is embodied in Texas A&M University, the nation's third-largest institution of higher learning and a world leader in the development of new agricultural and industrial technologies; integral to the phenomenal success of Texas as a center of commerce, the university is both heir to a rich legacy of educational excellence and an indispensable component of the state's economic future; and

WHEREAS, Bryan-College Station's winning combination of small-town charm and the amenities of a modern metropolis has won the hearts of the many visitors who return to become residents, and the area's high quality of

life and booming economy have made it one of the fastest-growing in the nation; and

WHEREAS, Blessed with a dynamic and friendly citizenry, abundant natural resources, and a thriving economy, the Bryan-College Station community is one of the Lone Star State's greatest assets, and even as its residents take pride and satisfaction in the area's remarkable success, they look forward to the new challenges and opportunities of the next century; now, therefore, be it

RESOLVED, That the Senate of the 75th Texas Legislature hereby recognize April 15, 1997, as Bryan-College Station Day at the State Capitol and extend a warm welcome to the Bryan-College Station delegation.

The resolution was read and was adopted by a viva voce vote.

#### **GUESTS PRESENTED**

Senator Ogden was recognized and introduced to the Senate his wife Beverly along with a delegation of citizens and members of the Bryan-College Station Chamber of Commerce.

The Senate welcomed its guests.

#### **GUESTS PRESENTED**

Senator Armbrister was recognized and introduced to the Senate a delegation of the Texas Retired Teachers Association.

The Senate welcomed its guests.

#### **GUEST PRESENTED**

The Presiding Officer, Senator Truan in Chair, announced to the Senate the presence of the Governor of Texas, George W. Bush.

The Senate welcomed Governor Bush.

#### **GUESTS PRESENTED**

Senator Armbrister was again recognized and introduced to the Senate a delegation of citizens from Lockhart.

The Senate welcomed its guests.

#### **COMMITTEE SUBSTITUTE SENATE BILL 606 ON SECOND READING**

On motion of Senator Lucio and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**CSSB 606**, Relating to the establishment and operation of a regional academic health center by The University of Texas System.

The bill was read second time.

Senator Lucio offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 606** as follows:

(1) In SECTION 1, Subsection (a) of added Section 74.611, Education Code (page 1, line 20, committee printing), after "counties," add "and may include any medical institutions for participation in the program in the aforementioned counties."

(2) In SECTION 1, Subsection (b) of added Section 74.611, Education Code (page 1, line 29, committee printing), after the period, add:

"The operating costs of the regional academic health center shall be paid from operating funds of the component institution and from available funds of any other public or private entity."

(3) In SECTION 1, strike Section 74.613 of added Subchapter L, Chapter 74, Education Code (page 1, lines 41-46, committee printing), and substitute:

"Sec. 74.613. FACILITIES. The physical facilities of the regional academic health center used in its teaching and research programs, including libraries, auditoriums, research facilities, and medical education buildings, may be provided by a public or private entity. A physical facility may be constructed, maintained, or operated with state money appropriated for that purpose."

The amendment was read and was adopted by a viva voce vote.

**CSSB 606** as amended was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 606 ON THIRD READING**

Senator Lucio moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 606** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

**CSSB 606** was read third time and was passed by a viva voce vote.

(President in Chair)

**SENATE BILL 1266 ON SECOND READING**

On motion of Senator Armbrister and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**SB 1266**, Relating to the administration, collection, and enforcement of taxes on cigarettes, cigars, and tobacco products.

The bill was read second time.

Senator Armbrister offered the following committee amendment to the bill:

**Committee Amendment No. 1**

Amend **SB 1266** on page 3, lines 6 and 7, by striking Section 154.001 (10) and substituting the following:

(10) [(8)] "Individual package of cigarettes" means a package that contains not fewer than 20 cigarettes[:

The committee amendment was read and was adopted by a viva voce vote.

**SB 1266** as amended was passed to engrossment by a viva voce vote.

#### **SENATE BILL 1266 ON THIRD READING**

Senator Armbrister moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1266** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

**SB 1266** was read third time and was passed by a viva voce vote.

#### **SENATE RESOLUTION 500**

Senator Nixon offered the following resolution:

WHEREAS, On Tuesday, April 15, 1997, Shelby County Day will be celebrated by the proud citizens of Shelby County in recognition of their illustrious county and its contributions to the State of Texas; and

WHEREAS, This lovely east Texas county is an original county of the Republic; created in 1836 and organized in 1837, the county was named for Isaac Shelby of the American Revolution; and

WHEREAS, The county includes an abundance of timber; pine, cypress, gum, live oak, and post oak grow there in profusion; the land is mostly bottom land; and

WHEREAS, A leader in broiler and egg production, the county derives most of its income from poultry, beef cattle, and hay; timber sales are significant; and

WHEREAS, The opportunity to view beautiful scenery is everywhere, and tourism is an increasing part of the local economy; and

WHEREAS, The nearness of Toledo Bend Reservoir and the abundance of rivers and streams make outdoor recreation most inviting, and hunting, fishing, and camping are available for the whole family; and

WHEREAS, The citizens of Shelby County are to be commended for their industriousness and for their gracious hospitality to those who visit the beautiful county; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 75th Legislature, hereby recognize Tuesday, April 15, 1997, as Shelby County Day at the State Capitol; and, be it further

RESOLVED, That a copy of this Resolution be presented as a memento of this special day.

The resolution was read.

On motion of Senator Truan and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.



On motion of Senator Nixon, the resolution was adopted by a viva voce vote.

#### GUESTS PRESENTED

Senator Nixon was recognized and introduced to the Senate a delegation of citizens from Shelby County.

The Senate welcomed its guests.

#### SENATE BILL 542 ON SECOND READING

On motion of Senator Barrientos and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**SB 542**, Relating to the prosecution of the offense of sexual assault.

The bill was read second time.

Senator Barrientos offered the following committee amendment to the bill:

#### Committee Amendment No. 1

Amend **SB 542** as follows:

On page 2, line 13, after "Statutes,)", insert the following: "a licensed vocational nurse licensed under Chapter 118, Acts of 52 Legislature, Regular Session, 1951 (Article 4528c, Vernon's Texas Civil Statutes), a physical therapist licensed under Chapter 836, Acts of the 62nd Legislature, Regular Session, 1971 (Article 4512e, Vernon's Texas Civil Statutes), a physician's assistant licensed under the Physician Assistant Licensing Act, (Article 4495b-1, Vernon's Texas Civil Statutes), or a registered nurse or an advanced practice nurse licensed under Chapter 7, Title 71, Revised Statutes."

The committee amendment was read and was adopted by a viva voce vote.

**SB 542** as amended was passed to engrossment by a viva voce vote.

#### SENATE BILL 542 ON THIRD READING

Senator Barrientos moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 542** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

**SB 542** was read third time and was passed by a viva voce vote.

#### COMMITTEE SUBSTITUTE

#### SENATE BILL 89 ON SECOND READING

On motion of Senator West and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**CSSB 89**, Relating to a fictitious, forged, or counterfeit driver's license, personal identification certificate, or other instrument; providing penalties.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 89 ON THIRD READING**

Senator West moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 89** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

**CSSB 89** was read third time and was passed by a viva voce vote.

**SENATE BILL 1098 ON SECOND READING**

On motion of Senator Wentworth and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**SB 1098**, Relating to exempting certain support payments from seizure.

The bill was read second time and was passed to engrossment by a viva voce vote.

**SENATE BILL 1098 ON THIRD READING**

Senator Wentworth moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1098** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

**SB 1098** was read third time and was passed by a viva voce vote.

(Senator Carona in Chair)

**SENATE BILL 1179 ON SECOND READING**

On motion of Senator Madla and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**SB 1179**, Relating to testimony given before a county commissioners court; providing a penalty.

The bill was read second time and was passed to engrossment by a viva voce vote.

**SENATE BILL 1179 ON THIRD READING**

Senator Madla moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1179** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

**SB 1179** was read third time and was passed by the following vote: Yeas 31, Nays 0.

#### **GUESTS PRESENTED**

Senator Wentworth was recognized and introduced to the Senate a group of fifth-grade students from Saint Matthew's Catholic School of San Antonio.

The Senate welcomed its guests.

#### **COMMITTEE SUBSTITUTE SENATE BILL 743 ON SECOND READING**

Senator Lucio asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

**CSSB 743**, Relating to the preference for hearing juvenile and family law matters in the 197th and 206th district courts.

There was objection.

Senator Lucio then moved to suspend the regular order of business and take up **CSSB 743** for consideration at this time.

The motion prevailed by the following vote: Yeas 24, Nays 2.

Yeas: Barrientos, Bivins, Brown, Cain, Carona, Fraser, Gallegos, Galloway, Harris, Haywood, Lindsay, Lucio, Madla, Moncrief, Nelson, Nixon, Ogden, Patterson, Ratliff, Shapiro, Shapleigh, Sibley, Wentworth, Zaffirini.

Nays: Luna, Truan.

Absent: Armbrister, Duncan, Ellis, West, Whitmire.

**CSSB 743** was read second time and was passed to engrossment by a viva voce vote.

#### **RECORD OF VOTES**

Senators Luna and Truan asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

#### **COMMITTEE SUBSTITUTE SENATE BILL 743 ON THIRD READING**

Senator Lucio moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 743** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 2.

Yeas: Armbrister, Barrientos, Bivins, Brown, Cain, Carona, Duncan, Ellis, Fraser, Gallegos, Galloway, Harris, Haywood, Lindsay, Lucio, Madla, Moncrief, Nelson, Nixon, Ogden, Patterson, Ratliff, Shapiro, Shapleigh, Sibley, Wentworth, West, Whitmire, Zaffirini.

Nays: Luna, Truan.

**CSSB 743** was read third time and was passed by the following vote: Yeas 29, Nays 2. (Same as previous roll call)

#### **SENATE BILL 184 ON SECOND READING**

On motion of Senator Shapiro and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**SB 184**, Relating to a driver's license that authorizes the operation of a motorcycle.

The bill was read second time.

Senator Shapiro offered the following committee amendment to the bill:

#### **Committee Amendment No. 1**

Amend **SB 184** by deleting SECTION 3 of the bill and substituting the following:

"SECTION 3. Chapter 662, Transportation Code, is amended by adding Section 662.011 to read as follows:

Sec. 662.011. MOTORCYCLE EDUCATION FUND ACCOUNT. (a) Of each fee collected under Sections 521.421(b) and (f) and Sections 522.029(f) and (g), the Department of Public Safety shall send \$5 to the comptroller for deposit to the credit of the motorcycle education fund account.

(b) Money deposited to the credit of the motorcycle education fund account may be used only to defray the cost of administering the motorcycle operator training and safety program."

The committee amendment was read and was adopted by a viva voce vote.

Senator Shapiro offered the following amendment to the bill:

#### **Floor Amendment No. 1**

Amend **SB 184** as follows:

Subsection (f), of Section 522.029, Transportation Code, as added by **SB 184**, should read:

(f) The fee for renewal of a commercial driver's license that includes authorization to operate a motorcycle, and the fee for a commercial driver learner's permit that includes authorization to operate a motorcycle, is \$45.

The amendment was read and was adopted by a viva voce vote.

**SB 184** as amended was passed to engrossment by a viva voce vote.

#### **SENATE BILL 184 ON THIRD READING**

Senator Shapiro moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 184** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

**SB 184** was read third time and was passed by a viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1556 ON SECOND READING**

On motion of Senator Ogden and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**CSSB 1556**, Relating to the determination of the amount of child support for a child of certain retired or disabled obligors.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1556 ON THIRD READING**

Senator Ogden moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1556** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent: Luna.

**CSSB 1556** was read third time and was passed by a viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 814 ON SECOND READING**

On motion of Senator Truan and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**CSSB 814**, Relating to the establishment of a video teleconferencing pilot program to assist certain businesses in establishing international trade relationships.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 814 ON THIRD READING**

Senator Truan moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 814** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

**CSSB 814** was read third time and was passed by a viva voce vote.

**SENATE BILL 1463 ON SECOND READING**

Senator Wentworth asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

**SB 1463**, Relating to the board of directors, boundaries, and financing of the Southwest Travis County Water District.

There was objection.

Senator Wentworth then moved to suspend the regular order of business and take up **SB 1463** for consideration at this time.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Barrientos.

**SB 1463** was read second time.

Senator Wentworth offered the following committee amendment to the bill:

**Committee Amendment No. 1**

Amend **SB 1463** as follows:

(1) In SECTION 3, amending Section 2.03, Chapter 844, Acts of the 74th Legislature, Regular Session, 1995 (introduced version, page 1, line 20), strike "Tuesday after the first Monday" and substitute "Saturday".

(2) In SECTION 3, amending Section 2.03, Chapter 844, Acts of the 74th Legislature, Regular Session, 1995 (introduced version, page 1, line 20), strike "November" and substitute "May".

(3) In SECTION 3, amending Section 2.03, Chapter 844, Acts of the 74th Legislature, Regular Session, 1995 (introduced version, page 1, line 21), strike "odd" and substitute "even".

(4) In SECTION 3, amending Section 2.03, Chapter 844, Acts of the 74th Legislature, Regular Session, 1995 (introduced version, page 1, lines 22-23), after "large", strike "for terms to begin on the following January 1".

(5) In SECTION 8, (introduced version, page 28, line 24), strike "Monday in November, 1997" and substitute "Saturday in May".

(6) In SECTION 8, (introduced version, page 28, lines 25 and 26), after "large", strike "to replace the nine appointed members whose terms expire September 1, 1997".

The committee amendment was read and was adopted by a viva voce vote.

**SB 1463** as amended was passed to engrossment by a viva voce vote.

**RECORD OF VOTE**

Senator Barrientos asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

**SENATE BILL 1463 ON THIRD READING**

Senator Wentworth moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1463** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Barrientos.

**SB 1463** was read third time and was passed by a viva voce vote.

**RECORD OF VOTE**

Senator Barrientos asked to be recorded as voting "Nay" on the final passage of the bill.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1778 ON SECOND READING**

On motion of Senator Shapleigh and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**CSSB 1778**, Relating to reports on and analyses of tax impacts.

The bill was read second time and was passed to engrossment by a viva voce vote.

**RECORD OF VOTE**

Senator Bivins asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1778 ON THIRD READING**

Senator Shapleigh moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1778** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Bivins.

**CSSB 1778** was read third time and was passed by a viva voce vote.

**RECORD OF VOTE**

Senator Bivins asked to be recorded as voting "Nay" on the final passage of the bill.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1779 ON SECOND READING**

On motion of Senator Shapleigh and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**CSSB 1779**, Relating to an analysis of the impact of special provisions reducing tax revenues.

The bill was read second time and was passed to engrossment by a viva voce vote.

**RECORD OF VOTE**

Senator Bivins asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1779 ON THIRD READING**

Senator Shapleigh moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1779** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Bivins.

**CSSB 1779** was read third time and was passed by a viva voce vote.

**RECORD OF VOTE**

Senator Bivins asked to be recorded as voting "Nay" on the final passage of the bill.

**SENATE BILL 336 ON THIRD READING**

Senator Gallegos moved that the regular order of business be suspended and that **SB 336** be placed on its third reading and final passage:

**SB 336**, Relating to the right of fire fighters to meet and confer.

The motion prevailed by the following vote: Yeas 20, Nays 9.

Yeas: Armbrister, Barrientos, Brown, Cain, Carona, Ellis, Gallegos, Galloway, Harris, Lindsay, Lucio, Madla, Moncrief, Patterson, Shapleigh, Sibley, Truan, West, Whitmire, Zaffirini.

Nays: Bivins, Fraser, Haywood, Nelson, Nixon, Ogden, Ratliff, Shapiro, Wentworth.

Absent: Duncan, Luna.

**(President in Chair)**

**SB 336** was read third time.

Senator Sibley offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **SB 336** as follows:

In **SECTION 1**, strike Section 176.008 in its entirety (page 2, lines 53-69 and page 3, lines 1-9 of the committee printing).

The amendment was read and was adopted by unanimous consent.

**SB 336** as amended was finally passed by a viva voce vote.

**RECORD OF VOTES**

Senators Bivins, Brown, Carona, Fraser, Haywood, Nelson, Nixon, Ogden, Ratliff, Shapiro, and Wentworth asked to be recorded as voting "Nay" on the final passage of the bill.



**COMMITTEE SUBSTITUTE  
SENATE BILL 1161 ON SECOND READING**

On motion of Senator Carona and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**CSSB 1161**, Relating to the authority of certain counties to contract with private entities for child support and visitation enforcement services.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1161 ON THIRD READING**

Senator Carona moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1161** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

**CSSB 1161** was read third time and was passed by a viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 885 ON SECOND READING**

On motion of Senator Carona and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**CSSB 885**, Relating to limitations on certain covenants.

The bill was read second time and was passed to engrossment by a viva voce vote.

**(Senator Truan in Chair)**

**COMMITTEE SUBSTITUTE  
SENATE BILL 885 ON THIRD READING**

Senator Carona moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 885** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

**CSSB 885** was read third time and was passed by a viva voce vote.

**GUESTS PRESENTED**

Senator Gallegos, joined by Senator Ellis, was recognized and introduced to the Senate a group of seventh-grade students from The Rice School in Houston accompanied by their teachers Angela Miller, Sue Ann Stefansson, Leslie Schlein, and Don Bradford.

Senator Gallegos also introduced his wife Theresa, daughter Melissa, and son Mario III.

The Senate welcomed its guests.

**SENATE BILL 1007 ON SECOND READING**

On motion of Senator Ellis and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**SB 1007**, Relating to increased civil penalties for deceptive trade practices against elderly consumers.

The bill was read second time.

Senator Duncan offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **SB 1007**, Subsection (c)(2), Section 17.47, Business and Commerce Code, at page 1, line 24, as printed and distributed by the Jurisprudence Committee, by striking "60" and replacing it with "65".

The amendment was read and was adopted by a viva voce vote.

**SB 1007** as amended was passed to engrossment by a viva voce vote.

**SENATE BILL 1007 ON THIRD READING**

Senator Ellis moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1007** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

**SB 1007** was read third time and was passed by the following vote: Yeas 31, Nays 0.

**SENATE BILL 1357 ON SECOND READING**

On motion of Senator West and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**SB 1357**, Relating to compensation of school district trustees.

The bill was read second time.

Senator Armbrister offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **SB 1357** as follows:

(1) In SECTION 1 of the bill, amending Section 11.061(d), Education Code, between "annually" and ",", by inserting the following:  
and not from any state or federal funds

The amendment was read and was adopted by a viva voce vote.

**SB 1357** as amended was passed to engrossment by a viva voce vote.

**SENATE BILL 1357 ON THIRD READING**

Senator West moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1357** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

**SB 1357** was read third time and was passed by the following vote: Yeas 31, Nays 0.

**SENATE RULE 11.19 SUSPENDED  
(Posting Rule)**

On motion of Senator Armbrister and by unanimous consent, Senate Rule 11.19 was suspended in order that the Committee on State Affairs might consider the following bills today:

**SB 1343, SB 1715, SB 1851**

**MEMORIAL RESOLUTION**

**SR 504** - by Bivins: In memory of Larry "Coach" Sanders of Canadian.

**CONGRATULATORY RESOLUTIONS**

**SCR 69** - by Brown: Commending the Texas Parks and Wildlife Department and the Texas Game Warden Association.

**SCR 70** - by Cain: Honoring The Bartley-Woods School in Fannin County.

**SR 499** - by Cain: Congratulating Alfred and Barbara Schnieders.

**SR 501** - by Lindsay: Congratulating Anthony Richard Hagale of Houston.

**SR 502** - by Barrientos: Congratulating Charles Cloyd "Bud" Earle of Austin.

**SR 503** - by Whitmire: Congratulating Theodore Robert Herman of Houston.

**SR 505** - by Bivins: Congratulating Pauline Durrett Robertson of Amarillo.

**MISCELLANEOUS RESOLUTIONS**

**SR 496** - by Sibley: Declaring April 18, 1997, Robert Wilson Day in Texas.

**SR 498** - by Nelson: Recognizing Tuesday, April 22, 1997, as Tarrant County Fourth-Grader Day at Domino's Pizza Ranch.

**HCR 192** - (Ogden): Designating April 15, 1997, as Bryan-College Station Day at the Capitol.

**HCR 198** - (Sibley): Recognizing April 15, 1997, as Hood County Day at the Capitol.

**ADJOURNMENT**

On motion of Senator Armbrister, the Senate at 12:36 p.m. adjourned, in memory of Maria Teresa Alamia of Edinburg, until 11:00 a.m. tomorrow.

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**APPENDIX**

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**COMMITTEE REPORTS**

The following committee reports were received by the Senate:

April 15, 1997

NATURAL RESOURCES — CSSB 920, CSSB 1495

JURISPRUDENCE — SB 483, SB 1174, SB 1478, SB 1500, HB 622,  
HB 1018, HB 1143, HB 1492, HB 2664

ECONOMIC DEVELOPMENT — CSSB 753, CSSB 1781

STATE AFFAIRS — SB 337, SB 691 (Amended), CSSB 1442,  
CSSB 1704, CSSB 1486, CSSB 1624, CSSB 1752, CSSB 1102

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**SENT TO GOVERNOR**

April 15, 1997

SB 150, SB 182, SB 221, SB 326, SB 348, SB 401, SB 444, SB 476, SB 726,  
SCR 25